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August 20, 2021

By ECF and Email

Hon. Alan S. Trust
U.S. Bankruptcy Court for the Eastern District of New York
290 Federal Plaza
Central Islip, New York 11722
ast_hearings@nyeb.uscourts.gov

Re: Winters v. Grandview Brokerage Corporation 21-ap-8107

Dear Judge Trust:

We represent the Plaintiff-plan administrator in this preference action and write to request that the Court schedule a conference pursuant to Rule 16(b)(1)(B).¹

Defendant emailed its Answer to the undersigned on August 3rd, 2 days after its deadline to file the same [Dkt. No. 7]; and filed the Answer two weeks later [Dkt. No. 8]. After the Answer was emailed, the undersigned emailed Defendant's counsel five times asking to schedule a Rule 26(f) conference; however, Defendant is ignoring the scheduling request. The parties' email correspondence is enclosed.

Defendant's refusal to participate in a Rule 26(f) conference prevents issuance of a scheduling order under Rule 16(b)(1)(B) (absent the scheduling conference being requested hereby), effectively prevents discovery from proceeding under Rule 26(d)(1) and is sanctionable under Rule 37(f).

We thank Your Honor for your attention to this,

Jeffrey Chubak

Enclosure

¹ A status conference in the associated chapter 11 case has been scheduled for October 6, 2021, at 12:00 p.m. [Dkt. No. 687].